

BOX TTAB  
TRADEMARK  
1880-0124T

**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

APPLICANT: UMICORE  
APPL. NO.: 76/361,192  
FILED: January 23, 2002  
MARK: "UMICORE"  
INT'L CLASSES: 1, 2, 6, 9, 14, 40 and 42  
EXAMINER: Verna Beth Ririe  
LAW OFFICE: 105

REINSTATED ON  
5/6/04

COPY  
SCAN AS  
NEW APPEAL

New

**LETTER**

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

July 23, 2003

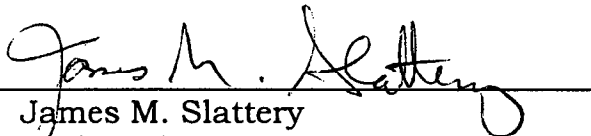
Sir:

Procedurally, a Notice of Appeal is due on July 24, 2003. Since an Amendment is being filed on even date herewith, which complied with all the requirements of the Trademark Attorney, it is believed that it is not necessary to file a Notice of Appeal.

In addition, it is believed that it is not necessary to submit a Notice of Appeal fee for the present application. If a Notice of Appeal is required, the present Letter should be regarded as a Notice of Appeal. The required fee, if necessary, should be charged to Deposit Account No. 02-2448.

Please charge any fees or credit any overpayment pursuant to 37 C.F.R. §  
2.6 to Deposit Account No. 02-2448.

Respectfully submitted,  
BIRCH, STEWART, KOLASCH & BIRCH, LLP

By:   
James M. Slattery  
Registration No.: 28,380  
P.O. Box 747  
Falls Church, Virginia 22040-0747

JMS/BG/gh  
(703) 205-8000

Kulick, Lizbeth

---

**From:** Bruce, Mary Frances  
**Sent:** Thursday, May 06, 2004 11:45 AM  
**To:** Kulick, Lizbeth  
**Subject:** RE: Notice of Appeal Language - is this ok?

RE: 76361192

Yes, as I felt, we would go ahead and construe this as a Notice of Appeal.

-----Original Message-----

**From:** Kulick, Lizbeth  
**Sent:** Wednesday, May 05, 2004 3:17 PM  
**To:** Bruce, Mary Frances  
**Subject:** Notice of Appeal Language - is this ok?

Hi Mary Frances. I hope all is well with you.

I have a question for you about a notice of appeal and whether the language in the one in my file is something the Board would accept.

The appeal notice says the following:

"Procedurally, a Notice of Appeal is due on <date>. Since an Amendment is being filed on even date herewith [sic], which complied with all the requirements of the Trademark Attorney, it is believed that it is not necessary to file a Notice of Appeal. In addition, it is believed that it is not necessary to submit a Notice of Appeal fee for the present application. If a Notice of Appeal is required, the present Letter should be regarded as a Notice of Appeal. The required fee, if necessary, should be charged to Deposit Account No. \*\*-\*\*\*\*."

Note: We lost this "notice of appeal" but the applicant has a date-labeled postcard showing it was timely filed. A request for reconsideration of the final ID refusal was denied by the examining attorney and no time was left - except for this letter/appeal notice. If this appeal notice language is ok - then we will reinstate the application and forward to TTAB to institute appeal.